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June 18, 2024

VIA ECF

Honorable Judge Margaret M. Garnett
 United States District Court
 Southern District of New York
 40 Foley Square, Room 2102
 New York, NY 10007

Re: Penn-Star Ins. Co. v. Belgium Properties LLC et al
 Docket No: 1:24-cv-03612-MMG
 Our File No: 23-272

Dear Judge Garnett:

We represent the plaintiff, Penn-Star Insurance Company (“Penn-Star”), in this insurance declaratory judgment action, and we write to Your Honor, in accordance with Your Honor’s May 14, 2024 Notice of Initial Pretrial Conference, to request an adjournment of both the June 25, 2024 Initial Conference and the deadline for submission of the Proposed Case Management Plan and Scheduling Order until August 27, 2024. The basis for the adjournment is that none of the defendants have appeared or answered and are technically in default. Only counsel for Belgium Properties LLC has contacted me and has requested additional time, but no stipulation has been submitted to me to date. Accordingly, the plaintiff wishes to give the parties additional time to appear and answer before having to move for default. This is the parties first request for an adjournment.

MIRANDA SLONE SKLARIN VERVENIOTIS LLP

Docket No: 1:24-cv-03612-MMG

LETTER TO JUDGE GARNETT REQUESTING ADJOURNMENT OF INITIAL CONF./DEADLINES

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The case, briefly stated, concerns a denial of insurance coverage based upon several policy provisions in a policy of insurance issued by plaintiff to Belgium Properties LLC as it pertains to an alleged accident that occurred on March 25, 2023, involving a Mr. Segundo Villa, claimed to have been injured while working at 38- 27 30th Street, Long Island City, NY 11101. Mr. Villa had commenced a lawsuit captioned, Segundo Villa and Maria Paca v. Belgium Properties LLC, filed in the Supreme Court of New York, County of Bronx, under index No.: 812778/2023E as it pertains to the alleged accident (referenced herein as the “Villa Action”) as to which the plaintiff has denied coverage but is affording a defense subject to the outcome of this action and seeks a declaration as to its duty to defend and/or indemnify any party as to the claims asserted in the Villa Action.

Accordingly, the plaintiff requests an adjournment of both the June 25, 2024 Initial Conference and the submission of the Proposed Case Management Plan and Scheduling Order until August 27, 2024.

If the defendants still have not appear by that time, plaintiff will proceed as required to obtain a judgment by default.

Respectfully submitted,

MIRANDA SLONE SKLARIN VERVENIOTIS LLP

s/Steven Verveniotis

Steven Verveniotis

Application GRANTED IN PART. In light of the fact that counsel for Defendant Belgium Properties has now entered an appearance, it is hereby ORDERED that counsel for all parties shall appear for an Initial Pretrial Conference with the Court on **Tuesday, July 30, 2024, at 9:30 a.m.** The conference will be held in person in Courtroom 906 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York 10007. Additionally, in accordance with Rule II(A)(5) of the Individual Rules, the parties are hereby ORDERED to file on ECF a joint letter, as well as a proposed Civil Case Management Plan and Scheduling Order attached as an exhibit to the joint letter, no later than **July 23, 2024**. The parties shall use the Court's form proposed Civil Case Management Plan and Scheduling Order.

SO ORDERED. Dated June 21, 2024.


HON. MARGARET M. GARNETT
UNITED STATES DISTRICT COURT JUDGE